

# ***Exhibit 5***

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DeFRANCO,  
Plaintiff,

V.

WILLIAM WOLFE, et al.,  
Defendants.

:  
: No. C.A. 04-230-E  
: Magistrate Judge Baxter  
: District Judge Cohill  
:  
:  
:

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DEFENDANT'S RESPONSE TO

**PLAINTIFF'S SECOND INTERROGATORIES TO**  
**DEFENDANT SUPERINTENDENT BROOKS**

In accordance with Rule 33 of the Federal Rules of Civil Procedure, plaintiff requests that defendant answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on the plaintiff within 30 days.

If you cannot answer the following interrogatoires in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions. These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

1. Please state if you were involved in plaintiff's transfer out of SCI Albion on March 8, 2005?

ANSWER: SEE ATTACHED SHEET FOR RESPONSES.

2. State how you were involved and did you give your permission for this transfer?

ANSWER:

3. Please name each person who was involved in this transfer; by name and what their actions were.

ANSWER:

4. Did Mr. Barr initiate this transfer, (if not *who did*) and does he have the authority to transfer a person without your approval or the approval of one of the Deputies at the prison?

ANSWER:

5. Please name which deputy authorized the transfer if you did not.

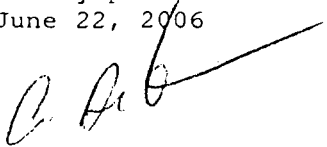
ANSWER:

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By: Superintendent Brooks

Date:

Mailed by plaintiff  
on June 22, 2006



**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY DEFRANCO,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-230 E
	)	
WILLIAM WOLFE, ET AL.,	)	

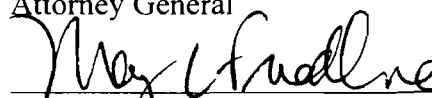
**DEFENDANT'S RESPONSE TO PLAINTIFF'S SECOND  
INTERROGATORIES TO DEFENDANT MARILYN  
BROOKS, SUPERINTENDENT**

1. Yes.
2. Mr. Barr requested that inmate DeFranco be transferred to avoid any conflict with the grievance system and this defendant gave permission.
3. Mr. Barr made the request and Ms. Habursky initiated the transfer. The request was handled by Mr. Williamson, Bureau of Inmate Services at Central Office, who gave the final approval.
4. Yes, Mr. Barr initiated the transfer and no, he does not have the ultimate authority to transfer any inmate. The superintendent must give approval.

5. As stated above, the transfer was approved by the responding defendant.

Respectfully submitted,

THOMAS W. CORBETT, JR.  
Attorney General



Mary L. Friedline  
Senior Deputy Attorney General  
Attorney I.D. No. 47046

Office of Attorney General  
6<sup>th</sup> Floor, Manor Complex  
564 Forbes Ave.  
Pittsburgh, PA 15219  
Phone: (412) 565-3520  
Fax: (412) 565-3019

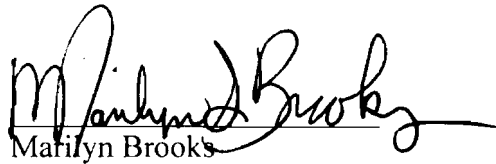
Susan J. Forney  
Chief Deputy Attorney General

Date: July 21, 2006

VERIFICATION

I, Marilyn Brooks, hereby state that the foregoing answers to Plaintiff's Second Set of Interrogatories to Defendant Marilyn Brooks are true and correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to the penalties of 28 U.S.C. §1746 relating to unsworn declarations under penalty of perjury, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

  
Marilyn Brooks

Date:

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing

***Defendant's Response to Plaintiff's Second Interrogatories to Defendant Marilyn***

***Brooks*** was served upon the following, by first-class mail this July 21, 2006.

Anthony DeFranco, CZ-3518  
State Correctional Institution  
At Albion  
10745 Route 18  
Albion, PA 16475



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MARY L. FRIEDLINE  
Senior Deputy Attorney General